



CITY OF DURHAM | NORTH CAROLINA

MEMORANDUM

Date: March 7, 2011

TO: Thomas J. Bonfield, City Manager

THROUGH: Keith Chadwell, Deputy City Manager

FROM: Kevin Dick, Director, Office of Economic and Workforce Development
G. Christopher Dickey, Senior Manager, Economic Development
Peter Coyle, Cultural and Business Initiatives Coordinator, OEWD
Michael Schoenfeld, Chair, Cultural Advisory Board

SUBJECT: Resolution Establishing a Public Art Policy

Executive Summary

This item recommends the approval of a resolution establishing a Public Art Policy for the City of Durham.

Recommendation

The Office of Economic and Workforce Development (OEWD) recommends that the City Council adopt the Resolution Establishing a Public Art Policy, recommended by the Durham Cultural Advisory Board and authorize the City Manager to develop procedures to implement the policy.

Background

On January 4, 2010, the City Council adopted a resolution to create the Cultural Advisory Board (CAB), replacing the earlier City/County Cultural Master Plan Advisory Board. The defined purpose of the CAB is to “serve as an advisory committee to the City Manager and City Council regarding the implementation of the Durham Cultural Master Plan, the implementation of a public art program, the implementation of programs and projects to promote economic and workforce development through cultural sector projects and such other responsibilities as the Council may choose to assign.” Members of the CAB are appointed by the City Council. To carry out the responsibility regarding the implementation of a public art program, the CAB established a Public Art Committee (PAC), as a subcommittee of the CAB. The PAC researched public art programs in other

cities and presented the proposed resolution the CAB on February 2011. The CAB approved the proposed resolution by unanimous vote of the members in attendance.

There are approximately five hundred public art programs operating under state, county and local governments as well as the federal General Services Administration and various regional authorities. Of these, approximately four hundred are programs of cities and towns. The Durham Cultural Master Plan, as presented to the City Council in August 2004, included provisions for the establishment of a public art program and a percent for art program for funding as a strategy to implement the Goal 3 of the Master Plan: *Use Durham's many arts and cultural assets as a key component of strategies to foster economic development throughout Durham County.*

Strategy 3.2, under that goal states:

Establish a formal percent-for-art program for Durham

Percent-for-art programs are designed by cities and counties to use a set percentage of the capital projects budget (usually between 1 and 2 percent) to fund the addition of cultural amenities to the projects. Defined differently in different communities, it might cover everything from artist-designed streetscapes as a part of a major street renovation to public sculptures in front of a new public building to arts programming in public spaces. Often such programs include requirements to developers to either fund arts amenities as part of their development or to contribute a set sum to the city or county's program. In Durham, a percent-for-art program would represent an important adjunct to support the range of economic development initiatives under discussion in this section. [Cultural Master Plan Goal Section 3]

While the actual formation of a program would require careful consideration ... and the input of arts professionals and community representatives, some observations will highlight key components of such a program:

- The program should address ... capital expenditures and should be structured so that funds accruing from capital projects that are inappropriate for arts components (sewers and the like) can be reallocated to other projects
- A broad range of project types should be fundable including performing arts activities and neighborhood-oriented cultural events.
- A Fund to cover the cost of preserving and maintaining art works should be a part of the annual allocation.
- An entity to run the program must be carefully selected and a budget to cover administration must be built into the public art funding mechanism.

While Durham has had some public art pieces installed over the years, the projects were generally funded individually through specific grants. There was no consistency to the selections. A well-thought-out percent-for-art program can play an important role in redefining Durham's image in the region. With a focus on arts and culture but also on excellent urban design, public art can contribute in significant ways to building a distinct identity for Durham.

Although Strategy 3.2 included a fifth element which stipulated that new development or significant renovations by private developers should require developers to include a cultural component, OEWD staff and the Cultural Advisory Board recommend that private developers be encouraged to participate through an incentive system that includes a public art component, and not be mandated to provide it as part of development.

In 2007, City Manager Patrick Baker requested that OEWD and the Cultural Master Plan Advisory Board (CMPAB) institute a temporary procedure for reviewing offers to donate public art works to the City. The CMPAB created a public art task force to advise it in the review of proposals brought to the City and the OEWD staff developed an application process, in cooperation with other affected city departments. That procedure has been used for two proposals brought to the City since that time.

Issues and Analysis

The Cultural Master Plan Public Art Task Force, and its successor body, the Cultural Advisory Board Public Art Committee, reviewed the programs in place in a number of municipalities, including Charlotte, Raleigh, Chapel Hill, Cary, New York, Los Angeles and other locations in North Carolina and around the country. The committee also reviewed the Downtown Master Plan and other city policies and economic development plans. Based on that research, the Public Art Committee developed a proposal for a public art program appropriate to Durham's needs.

The key elements of that proposal are a process for the review of public art proposals requiring opportunities for public engagement and educational outreach and a public art funding mechanism. The percent for art funding mechanism would require city funded capital projects larger than \$500,000 to set aside one percent of the project budget for public art. This could be accomplished through the on-site installation of an approved artwork on the project site or the contribution of one percent of the capital project budget to a Public Art Fund to be used to commission art works at sites approved by the City Council.

The committee also developed a working definition of public art, which is contained in a resolution that is being presented in conjunction with this memorandum (attached).

A major priority of the City of Durham is increasing and strengthening the economic stability of the City. In a similar vein, the Raleigh Arts Commission Proposal to Establish a City of Raleigh Public Art Program commented on the impact of public art programs on the local economy.

There are two significant returns on investments made in public art. First, unlike any other investment, a typical public art project can increase municipal tax revenues, improve local business revenues and simultaneously generate both tourism and community interest. Second, public art projects engender goodwill and enhance community image – two intangible qualities that local and state governments aim to achieve. Data from the New York City Parks and Recreation Department state that the \$20 million dollar investment in creating “The Gates” in Central Park – which lasted only 16 days – generated an estimated \$254 million in revenue to the City (hotels, restaurants, museums, theaters, retail shops, transit, parking and transportation). Visitors spend more than residents by twice as much, indicating that the arts draw tourists to a location that is artful and in which their needs benefit the local economy.

Durham-related examples that have encouraged visitor interest, helped to define Durham and celebrate the City’s history and culture are as follows:

- The Pauli Murray Project.
- Georges Rousse Project.
- Recent installation of murals in Raleigh-Durham International Airport, under the Raleigh Durham Airport Authority Public Art Program.
- The Bull at CCB Plaza.
- The water course at the American Tobacco Campus.
- The Jaume Plensa light sculpture at the DPAC.
- The artist-designed markers on Parrish Street.
- The planned artist-designed bus shelters for the Bull City Connector.

Nationally and internationally, cities often are defined in the public mind by their public art. From large structures like the Eiffel Tower, the Brandenburg Gate, the Washington Monument and the Statue of Liberty to more intimately scaled works like the bull on Wall Street in New York and the Peter Pan statue in London’s Kensington Gardens, these installations become tourist destinations and symbols of local pride.

A public art program will support the Durham Strategic Plan. An outcome measure of Goal 3: *Thriving Livable Neighborhoods* is “citizen perception of the overall quality of their neighborhood.” Public art can increase neighborhood pride and help to define neighborhoods. The objective measures under Goal 5: *Stewardship of the City’s Physical Assets* include the “appearance of gateways into the City of Durham.” Public art can be a valuable component of a gateways improvement program, creating visual images that convey a message of local vitality and creativity for visitors as well as for residents.

A public art program supports the Durham Comprehensive Plan. Goal 4.2: Design Quality calls for the City to “Encourage quality at all levels of design. Design quality impacts the actual function and appearance of a place as well as the perceptual feel of that place.” Policy 4.2.1e: Public Art states “The Appearance Commission and City-County

Planning shall explore how to encourage the incorporation of public art in new development projects, particularly in Downtown and Compact Neighborhood Tiers.”

In a city like Durham, which prides itself on its diversity, it can be anticipated that, as with many areas of public activity, not everything proposed will be universally popular. It is important to this process, as to any area of city government function, that the public is invited and welcomed to participate in the process. It is standard for public art programs to create a mechanism for public comment to be provided to the artist, and for public interaction with the artist, before the completion of design of a work. It is equally important that all appropriate city departments have input to assure that issues of design and content can be resolved within the process of design. In the process leading to the DPAC light sculpture, for example, considerable changes were made to the design of the piece to answer concerns on matters as diverse as child safety, potential threats to migratory birds, maintenance costs, and religious content of the original proposed design.

The proposed percent for art funding mechanism may add to project costs, or take advantage of contingency funds in construction budgets. It can also make use of funds that would normally be budgeted for landscaping, signage, pavers, and public amenities such as benches and bicycle racks by engaging artist participation in the design of those elements of the project. Recognizing that the City is now in a difficult financial situation due to the effects of the recession, the Cultural Advisory Board is proposing that the funding mechanism only affect projects approved by the City Council starting in Fiscal Year 2013. This will allow time for appropriate planning by affected departments. The proposal also recognizes that the Council may need to exempt some projects from the percent for art funding requirement.

The Public Art Committee was advised by the North Carolina Arts Council Public Art Office that any plan to impose a percent for art requirement on private developers would require state legislature authorization. No North Carolina community has a private developer requirement. As with some other localities, the CAB proposes that the Council require City staff to encourage voluntary participation by private developers through incentives and through consideration of public art components of private developments in the evaluation of proposals for development incentive grants, zoning waivers, and other matters.

Alternatives

The City Council may reject the recommendation to approve the Resolution or may choose to change the resolution. Not approving the Resolution would continue the current situation in which there is not a clearly stated policy for the encouragement and expansion of public art in the City.

Financial Impact

The proposal has no impact of City funds prior to Fiscal Year 2013. Funding would come from capital project budgets beginning in FY 2013. No additional staff is requested. The resolution authorizes that the Public Art Fund, established under the percent for art

program, can be for administrative costs and maintenance of artworks commissioned or accepted under the program.

SDBE Summary

An SDBE summary is inapplicable because no project-specific goals have been set and no SDBE's are involved in this item.

Attachments

Resolution Establishing a Public Art Policy